IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 759 OF 2005

Punjab Motors (Kurali) Ltd. & Ors. ... Petitioners

V/s

The State of Maharashtra & Anr. .... Respondents

Mr. R.W. Adik, Sr. Counsel with Peter Lobo & B.P. Kanuga for petitioners

Mr. A.P. Mundargi with S. Parab for respondent No.2

Mr. A.S. Shitole for the State.

Coram: V. M. Kanade, J.

Dated :05/04/2005

P.C. :-

. Rule.

. The petitioners are challenging the order passed by the Metropolitan Magistrate on a complaint filed by the respondents directing the police to investigate into the matter under section 156(3) of Code of Criminal Procedure. It is alleged that the petitioners were the dealers of Telco and there was an agreement with Telco. Pursuant to which trade advance was given to the petitioners after the vehicles were sold by the petitioners. This amount was to be adjusted towards amount received by the Tata Finance Company. The complainant, Tata Finance Limited which is a subsidiary of Telco had entered into an agreement with the petitioners to provide finance to the prospective purchasers of the vehicles. It is alleged in the

complainant that though the vehicles were sold and amount was collected from Tata Finance Limited, this amount was not returned and as a resultan offence under sections 406 and 420 of the Indian Penal Code has been committed by the petitioners.

. Without going into merits of the allegations made by the complainant/petitioners and grounds raised in this petition at this stage, in my view, this matter requires consideration and, therefore, rule has been granted. However, since the order has been passed by the Metropolitan Magistrate under section 156(3) of the Code and though report has not been submitted by the police and investigation is still in progress it would not be appropriate to pass ad-interim order at this stage. The petitioners will co-operate with investigation.Under these circumstances, at this stage interim relief is refused.

The Session Court is directed to decide the application of accused No.2 expeditiously, in any case within a period of one week.

Interim order passed earlier regarding the stay to non-bailable warrant will continue for 2 weeks. Liberty to accused Nos. 2 and 3 to apply for anticipatory bail.